

CATHY EPPINGER,  
  
Plaintiff,  
  
v.  
  
THE UNIVERSITY OF TENNESSEE,  
  
Defendant.

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Civil Action No. 1:21-cv-00268  
  
JURY DEMAND

2. A Summons for the Defendant was issued by the Circuit Court on July 1, 2021. The Office of the Tennessee Attorney General was served electronically with the Summons and Complaint on July 26, 2021.

3. On October 1, 2021, Plaintiff filed a Motion for Leave to File Amended Complaint that appeared to include her Amended Complaint (“Amended Complaint”). Although her motion was never ruled upon, Judge Bennett had previously entered an Order setting forth a deadline for her to amend her complaint, and Plaintiff’s Amended Complaint was timely under the terms of that Order.

4. In Paragraph 49 of her Amended Complaint, Plaintiff “contends that Defendant discriminated against her based on her race and sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e (“Title VII”).

5. Plaintiff’s Amended Complaint attached a Dismissal and Notice of Rights from the U.S. Equal Employment Opportunity Commission dated July 8, 2021. Thus, the federal claim contained within her Amended Complaint was timely filed.

6. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff’s claims against the Defendant that arise under the Constitution and laws of the United States. Accordingly, this action may be removed to this Court by the Defendant pursuant to 28 U.S.C. § 1441(a).

7. Defendant now removes to this Court all claims asserted by Plaintiff in this action. Copies of all process and pleadings served upon the Defendant to date are attached hereto as Collective Exhibit A.

8. Venue is proper in the Eastern District of Tennessee, Chattanooga Division.

9. This Notice of Removal is filed within 30 days after service of the Amended Complaint upon the Defendant.

10. The University's only appearance in this matter has been to file a Motion for Extension of time to respond to Plaintiff's original Complaint. On September 17, 2021, Judge J.B. Bennett of the Hamilton County Circuit Court entered an Order addressing several pending motions. A copy of that Order is attached to this Notice as Exhibit B.

11. Defendant is filing written notice of this Notice of Removal with the Circuit Court Clerk for Hamilton County, Tennessee at Chattanooga contemporaneously with this filing, a copy of which is attached as Exhibit C.

12. By filing this Notice of Removal, Defendant does not waive its rights to object to service, service of process, sufficiency of process, subject-matter jurisdiction, personal jurisdiction, venue, or to assert any other applicable defenses.

13. For the foregoing reasons, removal of this Civil Action to this Court is proper pursuant to 28 U.S.C. § 1331, 1441, and 1446.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that this Court exercise full jurisdiction over these proceedings as provided by law.

Respectfully submitted this 1st day of November, 2021.

s/ Michael D. Fitzgerald

Michael D. Fitzgerald, BPR # 020079

Associate General Counsel

The University of Tennessee

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Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2021, a true and correct copy of the foregoing Notice of Removal was served via e-mail and U.S. first-class mail, postage prepaid, to:

Ms. Cathy Eppinger  
1229 Gunbarrel Road  
Chattanooga, TN 37421  
[keppingr@epbfi.com](mailto:keppingr@epbfi.com)

s/ Michael D. Fitzgerald

Michael D. Fitzgerald